



SECURING our Courts with CERTIFICATION

/Article and photo by Elizabeth Thomas, Public Information Officer

Court-security officers, or bailiffs, are being certified across the commonwealth >>

/Photo by Elizabeth Thomas

>> Webster's Dictionary defines a bailiff as an official who guards prisoners and keeps order in a courtroom. But in Kentucky, and in many other states, bailiffs are sworn in as deputy sheriffs, with the same authority of a road deputy, but specifically assigned to the courtroom. Unfortunately, they have not been trained to professionally handle that authority.

"At times, these bailiffs were performing duties for which they were not trained," said Kentucky Law Enforcement Council Executive Director Larry Ball.

"That lack of training complicated their roles and responsibilities," he said.

Dealing with this dilemma on a daily basis prompted the introduction of the Certified Court Security Officers Act into legislation in 2007.

The CCSO Act (pronounced "see-so") also provided a solution to the lingering question of what job duties a bailiff was authorized and actually trained to do, Ball explained.

For instance, bailiffs are often responsible for transporting prisoners, for which many were not trained since they are not required to complete the basic instruction mandated of all road deputies to become sworn officers.

In 1998, bailiffs were included in the Kentucky Law Enforcement Foundation Program Fund bill, giving them the same benefits as sworn deputies. Sheriffs, who were responsible for providing security for the courts but often didn't have the financial resources to often didn't have the financial resources to fund bailiff training, faced a seemingly insurmountable problem.

As a stop-gap, a 32-hour course was developed to provide training for court security

officers, but allowing them only to work on a part-time basis for the courts. It soon became apparent the training was not sufficient for job duties, which were clearly outside the confines of the courtroom, such as transporting prisoners.

An alternative was to require bailiffs to attend the 18 weeks of basic training required for all Kentucky law enforcement officers.

However, there was a major downside to that approach. "With the 18-week basic training as a standard for deputies, and by requiring bailiffs to attend the same training, some would say you're grossly overtraining bailiffs for duties they'll never face," Ball said.

Finally, legislators went to the table in March 2007 and the CCSO Act was implemented June 26.

"I've been trying to get this done for years," said Kenton County Sheriff Charles Korzenborn. "Separating the court security officers from the road deputies was vital. Before CCSO, when they were sworn in, they had the same authorities as a road deputy, but not the training, which was dangerous."

The CCSO Act not only requires a court security officer to attend the job appropriate two-week mandatory training implemented by DOCJT, but a myriad of pre-employment standards including:

- a high school diploma or the equivalent,
- a complete background investigation,
- an interview,
- a polygraph examination, and
- a drug screen.

"This is definitely a positive," said Dan Futia, a court security officer in Madison County. "With the change, it eliminates the one percent that might be bad who could fall through the cracks otherwise."

The act also specifically details the job description of a bailiff, or once certification is complete, a certified court security officer. A CCSO, once trained and certified, may transport prisoners, but may not patrol the roads or issue citations outside the general vicinity of the court facility, among other restrictions.

"By delineating their duties [between deputies and bailiffs], we're professionalizing their roles even more," Korzenborn said. "Training is paramount. It's good for everybody."

The CCSO Act now allows sheriffs' offices to hire court security officers on a full-time basis.

"Court security responsibilities have increased, which demands standards be put in place," said KLEC's Ball. "People don't see it, but the courtroom is a pretty dangerous place. Now the standards and the job duties line up."

That's not to say that the task of certifying these bailiffs has been easy.

KLEC took on the task even before the bill went into effect, alerting all sheriffs of what would be expected of their offices and their bailiffs in the coming months. The bill originally allowed for six months to complete the certification process. But with approximately 525 bailiffs across the commonwealth, the task would be impossible. KLEC received a six-month extension, giving them a deadline of June 26, 2008 to certify all court security officers.

Meeting the deadline has presented many challenges for the KLEC staff, such as getting through the certification process while working around the schedule of the courts, which still require security despite the CCSO process. KLEC has expedited the process by hiring contract polygraph examiners to ad-

minister the polygraphs on location.

With only a few months left, the team of certifiers is mainly in the polygraph stage. The majority of bailiffs have already been through drug and psychological suitability screenings.

While the process presents challenges to KLEC, some of the new standards have become stumbling blocks for bailiffs. One of the most significant hurdles has been bailiffs who did not have high school diplomas or the equivalent. Though they have until June 26 to complete their GED requirements, and some are pursuing completion, many have already resigned their position.

"There are court security officers who've been there a long time who won't be able to meet the pre-employment standards, like the GED," said Kentucky Sheriffs' Association Executive Director Jerry Wagner.

"There's certainly more to it than most sheriffs thought in the beginning," Wagner added.

At the end of January, KLEC had tested approximately 450 court-security officers in suitability and drug screenings, and more than 300 of those had been through polygraph examinations.

"But with agencies hiring on a daily basis, this list is always changing," said Kelly Adkins, administrative specialist with KLEC.

While KLEC is busy testing court security officers, they are also still testing telecommunications and police officers. With testing all over the state, in the course of a week at one location there may be one candidate to test, and at times, there may be 50 candidates.

"One of our biggest challenges in administering the CCSO program has been scheduling," Adkins said. "In addition to POPS testing, the KLEC office took on a 30 percent work increase when the [Telecommunications

Professional Standards Act] went into effect. Now that the CCSO program has been enforced, we've added over 500 court security officers to the scheduling process."

For KLEC, scheduling also includes contacting test sites to verify dates and times for use of their facility, as well as scheduling six

KLEC examiners and seven contract examiners.

"This was the sheriffs' legislation and we supported it," Ball said. "This will have more benefit to them than anything since POPS standards included deputies." J

CCSO ACT MINIMUM STANDARDS:

- Is a citizen of the United States
- Is at least 21 years of age
- Is a high school graduate or has received a general equivalency diploma (GED)
- Possesses a valid license to operate a motor vehicle
- Has not been convicted of a felony
- Is not prohibited by federal or state law from possessing a firearm
- Has submitted fingerprints to the KSP and the FBI for a criminal history check
- Has received, read and signed a copy of the Kentucky Law Enforcement Officer's Code of Ethics
- Discharged under honorable conditions, if having served in the armed services
- Has undergone a background investigation
- Has been interviewed
- Has taken a psychological suitability screener
- Has taken a polygraph examination
- Has passed a drug screen

CCSO Duties

A CCSO MAY:

- Attend sessions of any court of the Court of Justice in the county in which he or she is sworn
- Keep order in the courts
- Provide security services to the courts within the court facility or immediate area of the court facility
- Guard prisoners during court appearances
- Serve warrants and other court papers on individuals physically present in the courtroom

- Transport prisoners
- Arrest and take individuals into custody who are in the court facility or immediate area of the court facility, or while transporting prisoners
- Service of process and other papers relating to civil matters on individuals physically present in the courtroom

A CCSO MAY NOT:

- Go outside the immediate area of the court facility in which he or she is providing security services to make an arrest or take an individual into custody, except when transporting prisoners
- Patrol the roads, streets, or highways
- Issue traffic citations, except to enforce parking regulations around the court facility
- Perform general law enforcement duties outside that of providing court security

The CCSO's Basic Training Course (80hrs) is not required for employees that are employed on or before June 26, 2007. However, they are required to meet all pre-employment standards listed in the legislation. CCSOs that are currently drawing KLEFPF will continue to do so. New CCSOs will not participate in KLEFPF. All CCSOs hired after June 26, 2007 are required to meet all pre-employment standards, attend the CCSO Basic Training Course (80hrs) and maintain 40 hours in-service training every two years. ■